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EXAMINER

PAIK, STEVE S

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)
	09/899,817	MOCHIZUKI, YASUYUKI
	Examiner	Art Unit
	Steven S. Paik	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2 and 5-19 is/are rejected.

7) Claim(s) 3 and 4 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed July 09, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-12, and 15-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,072,916) in view of Yamamoto (US 5,936,709).

Re claims 1, 6, 9-12, and 16, Suzuki discloses an image forming apparatus and a method of forming an image comprising a reading device (14 in figure 1) for photoelectrically reading an image of an original to obtain digital image data (col. 4, ll. 6-8), an image processor (10) for subjecting the digital image data to predetermined image processing (col. 4, ll. 57-59) to obtain processed image data, a printer (16) for outputting a print according to the processed image data, and an image recording device for outputting the image processed data to an image file (col. 5, ll. 8-12).

However, Suzuki fails to teach both of outputting the image recording device further comprising an original identifying information input device for inputting information for identifying the original before the original is read and a data base for storing the inputted original identifying information in relation to the image file.

Yamamoto discloses an index print (IP) and seal (10) with an identification code (barcode B in Fig. 3) printed by any conventional printers (col. 8, ll. 58-60) for the purpose of improving the efficiency of reorder/reprint process and quality of reprints (col. 44-54). The bar-coded information is read by a barcode reader (12 and 22 and col. 8, line 63 - col. 9, line 4). He further discloses a database (storing means 6) for storing the inputted original identifying information (barcode B and 211-216 in Fig. 16). The barcode data B is stored in the memory and the barcodes 211-216 printed on index prints represent the image frames of the film are for easy and fast reprocessing of the original film.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further employ the index print and seal with an identification code for efficient reprint process and reordering of the original images on a recording medium, as taught by Yamamoto, in addition to the image forming apparatus of Suzuki due to the fact that an index print or a DP bag with an original identifying code can improve the efficiency with reorder and reprint process and quality of reprinted images.

Regarding claim 2, Suzuki in view of Yamamoto discloses the image forming apparatus as recited in rejected claim 1 stated above, where the original identifying information input device is a bar code reader (12 or 22).

Regarding claims 5 and 17, Suzuki in view of Yamamoto discloses the image forming apparatus as recited in rejected claim 1 stated above, in which the original identifying information input device is a device through which an operator inputs information for identifying the original as a character string (seal 10 or barcodes 211-216).

Regarding claims 7 and 8, Suzuki in view of Yamamoto discloses the image forming apparatus as recited in rejected claim 1 stated above, further comprising a print device (index printer 406 of Yamamoto) for back printing the information for identifying the original on the print.

Regarding claim 15, Suzuki in view of Yamamoto discloses the image forming apparatus as recited in rejected claim 1 stated above, explains how an image prepared by digital apparatus (col. 1, ll. 34-41) is processed. The image prepared by digital data may be from a scanned image file or a digital camera.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,072,916) as modified by Yamamoto (US 5,936,709) as applied to claim 1 above, and further in view of Nishida et al. (US 5,886,774).

Re claims 13 and 14, the teachings of Suzuki in view of Yamamoto have been discussed.

Although Suzuki in view of Yamamoto discloses the image forming device comprising an original identifying information input device and a data base storing the original identifying information by using barcodes, it does not specifically disclose the identifying information is disposed on extreme end of original.

Nishida et al. discloses a photographic processing system including a barcode reader for reading processing information on a photographic film (Fig. 4a-4c). The barcode (33) affixed on one end of the original and a film container (2) ensures promoting the same printing condition for each time the film is developed. Accordingly, the reorder/reprint quality remains the same regardless the number of reorder/reprint requests.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to substitute the location of the barcode information on the index prints or on the DP bag of Yamamoto with the barcode on the film, as taught by Nishida et al. since it produces functionally equivalent result. Such modification would have been obvious matter of design variations and well known in the art.

5. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,072,916) as modified by Yamamoto (US 5,936,709) as applied to claim 1 above, and further in view of Takaoka (US 6,459,500).

The teachings of Suzuki in view of Yamamoto have been discussed.

Although Suzuki in view of Yamamoto discloses the image forming device comprising an original identifying information input device and a data base storing the original identifying information by using barcodes, Suzuki and Yamamoto are silent about the database is connected through a network.

Takaoka discloses an image processing apparatus such as a photoprinter (10) capable of receiving image data from various kinds of image reading means, photographing means, image data memory means including photographing devices such as digital camera, digital video camera, and the like via transmission means such as LAN, computer communication network (Internet), recording media and memory media. All of the transmission means mentioned above provides a way to exchange data between at least two photoprinters which may be located at a separate location.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the various transmission means, as taught by

Takaoka, with the teachings of Suzuki in view of Yamamoto since it allows the user of an image forming apparatus more flexibility in terms of geographic locations and speedy data exchanges between laboratories. Furthermore, a customer who wants to develop his film or print digital image files in his digital camera would benefit from the computer communication network such as the Internet because he/she doesn't have to stop by a physical location of a film developing store.

Allowable Subject Matter

6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: the previously cited arts of the record do not teach, disclose or fairly suggest the claimed apparatus comprising, among other things, an identifier having a marker attached thereto, which shows information for identifying the original and can be photoelectrically read. The marker is disposed to an extreme end of the original and is read by the reading device at the same time the image of the original is read. The cited references lack the teachings of reading the original at the same time the image of the original is read.

Response to Arguments

8. Applicant's arguments filed on July 9, 2003 have been fully considered but they are persuasive.

Rejection under 35 U.S.C. § 103 (a)

Claim 1

The applicant argues that the cited references Suzuki (US 6,072,916) in view of Yamamoto (US 5,936,709) do not include discussion about the recited element, database and storing device. The Examiner respectfully disagrees. Yamamoto discloses the cited database storing the inputted original identifying information in column 3, lines 38-51 in relation to the image file. The stored information includes an index print information and order information corresponding to the index print information. These two information are certainly may be used as the identifying information in relation to an image file.

Claim 15

Although two of the cited reference do not explicitly disclose an original image taken by a digital camera, it is obvious to an artisan of ordinary skill in the art to consider employing a digital camera for capturing an original image. Since a scanner (image capturing and processing) is disclosed in the cited references, incorporating an image captured by a digital camera in place of scanned image would be an obvious substitution. As appreciated by an artisan, a scanner comprises a CCD to capture or read an image, and a digital camera also uses a CCD for the same purpose. Furthermore, another cited reference (Takaoka US 6,459,500) teaches various photographing devices including a digital camera.

Claims 18 and 19

The applicant argues that the cited references disclose one laboratory where the film is developed. Hence, there is no data exchange between two laboratories since only one laboratory is disclosed. The Examiner interprets the Takaoka (US 6,459,500) reference discloses an image processing apparatus such as a photoprinter (10) capable of receiving image data from various

kinds of image reading means, photographing means, image data memory means including photographing devices such as digital camera, digital video camera, and the like via transmission means such as LAN, computer communication network (Internet), recording media and memory media. All of the transmission means mentioned above provides a way to exchange data between at least two photoprinters which may be located at a separate location. The aforementioned teaching suggests that there is a plurality of image processing devices/locations interconnected via a network.

Accordingly, claims 1, 2, and 5-19 remain rejected under 35 U.S.C. § 103 (a). Claims 3 and 4 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

Steven Paik

Steven S. Paik
Examiner
Art Unit 2876

ssp
September 17, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800